

# GOVERNMENT OF ANDHRA PRADESH ABSTRACT

Land acquisition – Yeleru Reservoir Project – East Godavari District – Rajahmundry Division – Kalijolla village, Gokavaram Mandal – Land acquired under Award No.24/88,dated.25.11.88 for YRP – Land value enhanced in O.P.No.145/89 – Appeal filed in A.S.No.402/2005 – Dismissed – Sanction of final / full decretal charges – Orders – Issued.

1. From the Collector & District Magistrate,  
East Godavari District lr.No. G1/824/2008,  
dated. 18.2.2008.
  2. From the Spl.Chief Secretary to Govt & CCLA,A.P,  
Hyderabad, letter No.SPR3/307/2008,dated.4.4.2008

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### **ORDER:-**

In the reference read above, it has been reported that an extent of Ac.76.72 cts of G.Dry lands in S.No.113/2J etc., situated in Kallijola village, Gokavaram Mandal, was acquired under Award No. 24/88 by the Spl.Dy.Collector (LA), YRP, Unit-1, Yeleswaram on 25.11.88 duly fixing the land value @ Rs.8,000/-, 5,000/- and 3,500/- per acre for the land covered under acquisition. At the request of the aggrieved land owners covered with an extent of Ac.12.90 cts, for which Land Acquisition Officer fixed the land value @ Rs.5,000/- and Rs.3,500/- per acre, the claims U/s 18 of L.A.Act were referred to the Civil Court. The Addl.Subordinate Judge, Rajahmundry after considering the reference pronounced decree and judgement in O.P.No.145/89, dated.19.1.2001 enhancing the land value fixed by the LAO from Rs.5,000/- and Rs.3,500/- to Rs.20,000/- per acre and further ordered that the claimant is entitled to interest on the enhanced Market Value.

2. Aggrieved by the Lower Court orders, the State preferred an Appeal in A.S.No.405/05 before the Hon'ble High Court against the decree in O.P.No.145/89. The Hon'ble High Court dismissed the appeal in AS.No.405/05 on 26.7.2007.

3. The Collector & District Magistrate, East Godavari has requested the Government to sanction and release an amount of Rs.9,09,012/- towards entire decretal amount to comply with the orders of Lower Court in O.P.No.145/89. The Spl.Chief Secretary to Government & CCLA,A.P., Hyderabad, has forwarded the proposal of the District Collector, East Godavari District and recommended the Government to sanction the amount.

4. Government have examined the matter carefully and hereby sanction for an amount of Rs.9,09,012/- (Rupees Nine lakh Nine thousand and Twelve only) towards full / final decretal charges to comply with the orders of lower court in O.P.No.145/89., subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines / directions on the subject and in the case it is detected that Sec.18 reference was made contrary to the rules / guidelines issued by the Government /CCLA immediate action should

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be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the ENC (Irr), VYPP as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA on the subject from time to time before depositing the amount in Civil Court,duly deducting the Income Tax as per rules in force.

5. The amount sanctioned in para (4) above shall be deditable to "4701 - COL on Major & Medium Irrigation - 01 Major Irrigation (Commercial) - M.H. 116 Y.R.Scheme - G.H.11 Normal State Plan - S.H (26) D&A Works - 530 Major Works - 532 Lands (Charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6. The District Collector, East Godavari District, Kakinada is further directed to follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No.145/89, under Yeleru Reservoir Project for avoiding intervention of the middlemen.

7. The Engineer-in-Chief, Irrigation, Hyderabad shall take necessary steps for release of L.O.C.

8. This order issues with the concurrence of Finance (Works & Projects) Department vide their U.O.No. 2900/ F.7(A1)/08-1,dt.30.6.2008.

( BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SUTIRTHA BHATTACHARYA  
SECRETARY TO GOVERNMENT

To,

The District Collector,East Godavari, Kakinada.

The Spl.Chief Secretary to Govt & CCLA.,A.P.,Hyderabad.

The Engineer-in-Chief(Irr),Errumanzil,Hyderabad.

The Revenue Divisional Officer,Rajahmundry,E.G.Dist.

The Director of Works Accounts, Hyderabad.

The Joint Director of Works Accounts, Dowlaiswaram.

The Accountant General, Andhra Pradesh, Hyderabad.

Copy to:-

The Finance (Works & Projects) Department

Stock File / Spare copies

In the file C.No.9394/L.A.I(A2)/2008

//FORWARDED : : BY ORDER//

SECTION OFFICER